

11-04-04

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**EXPRESS MAIL LABEL: EV519867051US**

**REQUEST FOR REFUND  
UNDER 37 CFR § 1.26**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Customer Number	24353
Application Number	09/313,292
Confirmation Number	3706
Filing Date	May 13, 1999
First Named Inventor	WILLIAMS, LEWIS T.
Examiner Name	Brusca, John S.
Group Art Unit	1631
Attorney Docket	2300-1487

2004 NOV -8 AM 10:42

Sir:

Applicants paid a \$290.00 fee to request an Oral Hearing with the Notice of Appeal dated December 11, 2003 to Deposit Account No. 50-0815. A copy of the Applicant's fee transmittal indicating this payment is submitted herewith.

According to the Notification of Non-Compliance dated October 19, 2004, the Applicant's request was not granted. The Notification of Non-Compliance dated October 19, 2004, states that the fee for Oral Hearing herein submitted with the Notice of Appeal is refundable under 37 CFR § 1.26.

In view of the foregoing, the Applicants request a refund of the \$290.00 fee paid for the Request for Oral Hearing. The refund should be deposited to Deposit Account No. 50-0815, order number 2300-1487.

The Appellants will not be filing a petition under 37 CFR § 1.183.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number 2300-1487.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: November 2, 2004

By: James S. Keddie  
James S. Keddie, Ph.D.  
Registration No. 48,920

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

COPY

PTO/SB/17 (9-03)

Approved for use through 07/31/2006. OMB 0651-0040

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**1570****Complete If Known**

Application Number	09/313,292
Filing Date	May 13, 1999
First Named Inventor	WILLIAMS, LEWIS T.
Examiner Name	Brusca, John S.
Art Unit	1631
Attorney Docket No.	2300-1487

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	50-0815
Deposit Account Name	Bozicevic, Field & Francis LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	180	2005	80	Provisional filing fee

**SUBTOTAL (1)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	x	=
Indep. Claims	-3** =	x	=
Multiple Dependent			=

Large Entity Small Entity

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) \$**

\*\*or number previously paid, if greater; For Reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examination action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	340	2503	320	Plant issue fee
1406	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)****1570****SUBMITTED BY**

Name (Print/Type)	James S. Keddie, Ph.D.	Registration No. (Attorney/Agent)	48,920	Telephone	(850) 833-7723
Signature	James S. Keddie	Date	12/11/2003		

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PATENT MAINTENANCE  
DIVISION

PTO/SB/21 (05-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/313,292
		Filing Date	May 13, 1999
		First Named Inventor	WILLIAMS, LEWIS T.
		Group Art Unit	1631
		Examiner Name	Brusca, John S.
Total Number of Pages in This Submission 3		Attorney Docket Number	2300-1487
<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Copy of Fee Transmittal dated 12-11-2003 2. Postcard	Remarks
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Signing Attorney/Agent (Reg. No.)	JAMES S. KEDDIE, PH.D., 48,920 BOZICEVIC, FIELD & FRANCIS, LLP		
Signature			
Date	November 2, 2004		
<b>EXPRESS MAIL LABEL NO. EV519867051US</b>			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

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Application Number 09/313,292  
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 First Named Inventor WILLIAMS, LEWIS T.  
 Examiner Name Brusca, John S.  
 Art Unit 1631  
 Attorney Docket No. 2300-1487

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money ☐ Other ☐ None  
 Order
☒ Deposit Account:

Deposit Account Number 50-0815  
 Deposit Account Name Bozicevic, Field & Francis LLP

The Director is authorized to: (check all that apply)

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\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

1570

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type) James S. Keddle, Ph.D. Registration No. (Attorney/Agent) 48,920 Telephone (650) 833-7723  
 Signature [Signature] Date 12/11/2003

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Adjustment date: 12/16/2004 YPOLITE1  
 12/17/2003 CCHAU1 00000089 500815 09313292  
 03 FC:1483 290.00 CR